

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LEE,

Plaintiff,

-v-

No. 16 CV 1104-LTS-JCF

BUTH-NA-BODHAIGE, INC. et al.,

Defendants.

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ORDER

In response to the Court’s Order to Show Cause as to why the pending action should not be dismissed for lack of standing pursuant to Federal Rule of Civil Procedure 12(h)(3) (Docket Entry No. 122) plaintiff Henry Lee (“Plaintiff”) requested that the Court voluntarily dismiss this action without prejudice as to Plaintiff pursuant to Federal Rule of Civil Procedure 41(a)(2) and the settlement class pursuant to Federal Rule of Civil Procedure 23(e).

Plaintiff’s request is granted and his claims are hereby dismissed without prejudice. Shane Flaum’s motion to intervene, dismiss, stay, or in the alternative transfer (Docket Entry No. 36) is accordingly dismissed as moot. In light the dismissal of all claims of which the Court had original jurisdiction, the Court declines to exercise supplemental jurisdiction over Defendant Buth-Na-Bodhaige, Inc.’s third-party complaint against Verifone, Inc. pursuant to 28 U.S.C. section 1367(c)(3) and dismisses that complaint without prejudice. (Docket Entry No. 48.)

The case is hereby dismissed in its entirety and the Clerk of Court is directed to terminate all motions and close the case.

SO ORDERED.

Dated: New York, New York  
October 18, 2017

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge